

For:

Introduction and referral to PC: 9/12/22

Review/recommendation by PC: _____

Public Hearing: _____

Adoption: _____

Effective: _____

THE TOWN OF MOUNT AIRY, MARYLAND

ORDINANCE NO. 2022-29

**AN ORDINANCE TO AMEND PART II
OF THE CODE OF THE TOWN OF MOUNT AIRY
ENTITLED “GENERAL LEGISLATION”,
CHAPTER 112 ENTITLED “ZONING”; ARTICLE VI
ENTITLED “PROVISIONS GOVERNING
INDUSTRIAL DISTRICTS”, SECTION 112-45 ENTITLED
“I INDUSTRIAL DISTRICT”**

PROPOSED TEXT AMENDMENT

WHEREAS, on or about July 12, 2022, Van Mar Associates, Inc. on behalf of the owner and developer of Lot ____ in the Twin Arch Business Park, applied for a proposed zoning text amendment pursuant to the Town Code, Section 112-66B, proposing to allow a residential use under certain circumstances in the Industrial (I) District, and paid the \$300 application fee set forth in Section 112-66B; and

WHEREAS, the proposed text amendment was put into ordinance form, and was assigned Ordinance 2022-29, was introduced at the regular Town Council meeting held on September 12, 2022 and, pursuant to the Town Code, Section 112-67, referred to the Town Planning Commission for a recommendation; and

WHEREAS, pursuant to the Town Code, Section 112-67, on _____, 202_, the Town Planning Commission took up and considered the application for text amendment and this proposed ordinance and made a _____ recommendation to the Town Council; and

WHEREAS, pursuant to the Town Code, Section 112-66A and the Land Use Article of the Maryland Code, Section 4-203(b), a public hearing was held before the Town Council on _____, 202_ to take public comment on this proposed ordinance change and the application for text amendment; and

WHEREAS, the Town Council has determined it to be in the best interest of the Town and its citizens to change to the zoning regulations respecting the Industrial (I) District to allow continuation of a residential use where a residential structure is existing before the industrial use was permitted in an approved Site Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF MOUNT AIRY:

Section 1. That Part II of the Town Code is hereby amended to repeal and reenact with changes Chapter 112, Section 112-45D. of the Code as follows:

§112-45. I Industrial District.

* * *

D. Residential uses will not be permitted on the same parcel of land within a permitted industrial use with the exception when a residential structure is existing before the industrial use was permitted in an approved Site Plan, the residential use will be allowed to continue.

BE IT ENACTED AND ORDAINED BY THE AUTHORITY AFORESAID, that
this Ordinance shall take effect on the ____ day of _____, 202_.

Introduced the 12th day of September, 2022.

Enacted this ____ day of _____, 202_ by a vote of _____ in favor and _____ opposed.

ATTEST:

Pamela Reed, Secretary

Jason Poirier, President of the Council

Approved this _____ day of _____, 2022.

ATTEST:

Pamela Reed, Secretary

Larry Hushour, Mayor

REVIEWED AND APPROVED AS TO LEGAL FORM AND SUFFICIENCY.

This _____ day of _____, 2022.

Thomas V. McCarron, Town Attorney